

# REQUEST FOR COUNCIL ACTION

MEETING  
07-07-03

137-

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-5</b>
ITEM DESCRIPTION: Final Plat #03-20 to be known as Northview Third Subdivision by HCS, LLC. The applicant is proposing to re-subdivide Lot 5, Block 1, Northview First Subdivision into 2 lots for development. The property is located along the east side of West Circle Drive, along the west side of 40 <sup>th</sup> Avenue NW and north of Valleyhigh Road NW.		PREPARED BY: Theresa Fogarty, Planner

July 1, 2003

## **Staff Recommendation:**

Staff would recommend approval subject to the following conditions:

1. *Prior to recording, the final plat shall be revised, as follows:*
  - a. *Provide an additional utility easement providing water service to Lot 1, as requested by Rochester Public Utility Water Division Memorandum dated June 18, 2003 and Operations Division Memorandum dated June 24, 2003.*
2. *A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the June 25, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.*
3. *Prior to recording the Final Plat, the owner/developer shall provide evidence of an access easement across proposed Lot 2, Block 1.*
4. *Grading and Drainage Plan approval shall be required for individual lot development, and a Storm Water Management fee is applicable to any areas of impervious surface that do not drain to the existing privately constructed detention facilities serving the Northview Subdivision.*
5. *The Owner/Developer shall construct a 10' wide bituminous pedestrian path along the entire frontage abutting West Circle Drive NW, concurrent with the development of Lot 1, Block 1.*
6. *The owner/developer shall be responsible for the expense of any existing electric facilities that may need to be relocated as a result of this re-subdivision.*

## **Council Action Needed:**

1. *If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.*

## **Attachment:**

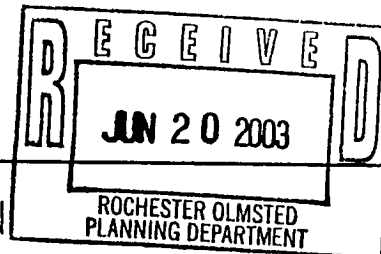
1. Staff Report, dated July 1, 2003.

## **Distribution:**

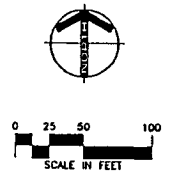
1. City Attorney
2. Planning Department File
3. Yaggy Colby Associates
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, July 7, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

138



# NORTHVIEW THIRD SUBDIVISION



**MONUMENTS**  
 • Set 1/2" Rebars  
 • Found Monuments (Pipe, Rod, Etc.)  
 All monuments set have a plastic cap stamped L.S. 41887.

**BEARINGS**  
 Plot bearings are Minnesota State Plane Grid Azimuths measured to the right from Grid North.

In witness whereof, said MCS, LLC, a Minnesota Limited Liability Company, has caused these presents to be signed by its proper officer this \_\_\_\_ day of \_\_\_\_ 20\_\_.

By: \_\_\_\_\_  
 Title: \_\_\_\_\_

STATE OF MINNESOTA  
 COUNTY OF OLMSTED

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_ 20\_\_, by \_\_\_\_\_, on behalf of the company.

Notary Public, Olmsted County, MN  
 My Commission Expires \_\_\_\_\_

In witness whereof, said Wells Fargo Bank N.A., a National Association, has caused these presents to be signed by its proper officer this \_\_\_\_ day of \_\_\_\_ 20\_\_.

By: \_\_\_\_\_  
 Title: \_\_\_\_\_

STATE OF MINNESOTA  
 COUNTY OF OLMSTED

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_ 20\_\_, by \_\_\_\_\_, on behalf of the bank.

Notary Public, Olmsted County, MN  
 My Commission Expires \_\_\_\_\_

STATE OF MINNESOTA  
 COUNTY OF OLMSTED  
 CITY OF ROCHESTER

I, Judy K. Schurr, City Clerk, in and for the City of Rochester, do hereby certify that on the \_\_\_\_ day of \_\_\_\_ 20\_\_, the accompanying plat was duly approved by the Common Council of the City of Rochester. In testimony whereof, I have hereunto signed my name and affixed the Seal of said City of Rochester this \_\_\_\_ day of \_\_\_\_ 20\_\_.

Judy K. Schurr  
 City Clerk

## COUNTY SURVEYOR

I certify that this plat has been checked mathematically and that the plat conforms to applicable plotting laws.  
 This \_\_\_\_ day of \_\_\_\_ 20\_\_.

Edward P. Kuhn  
 Olmsted County Surveyor

## SURVEYOR'S CERTIFICATE

I do hereby certify that I have surveyed and plotted the property described on this plat as NORTHVIEW THIRD SUBDIVISION; that the plat is a correct representation of said survey; that all distances are correctly shown as said plat is laid and boundaries of a lot; that all monuments have been correctly placed in the ground as shown or will be correctly placed in the ground by June 31, 2004; that the outside boundary lines are correctly designated; and that there are no setbacks as defined in MS 503.02, Subd. 1, or public highways to be designated on said plat other than as shown.

Peter C. Oulaker  
 Minnesota L.S. No. 41887

STATE OF MINNESOTA  
 COUNTY OF OLMSTED

The foregoing Surveyor's Certificate was acknowledged before me this \_\_\_\_ day of \_\_\_\_ 20\_\_, by Peter C. Oulaker, L.S. No. 41887.

Notary Public, Olmsted County, MN  
 My Commission Expires \_\_\_\_\_

## PROPERTY RECORDS AND LICENSING

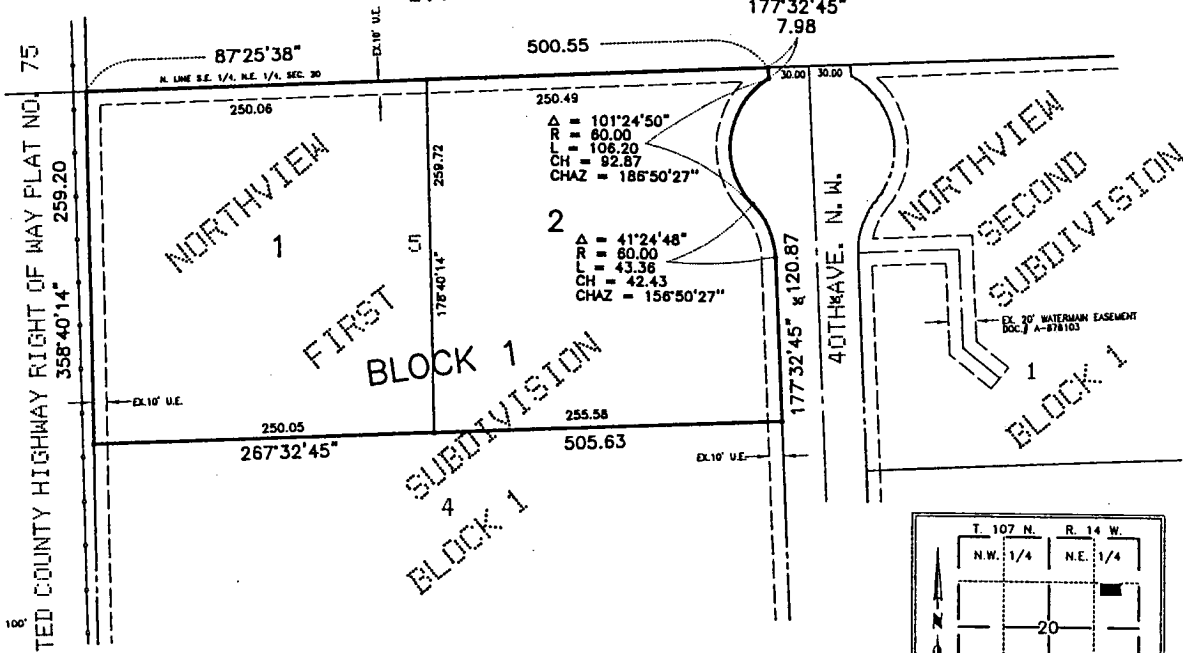
Taxes payable in the year 20\_\_ on the land herein described have been paid, there are no delinquent taxes and transfer has been entered this \_\_\_\_ day of \_\_\_\_ 20\_\_.

Document Number \_\_\_\_\_

I hereby certify that this instrument was filed in the Office of Property Records and Licensing for record on this \_\_\_\_ day of \_\_\_\_ 20\_\_ at \_\_\_\_ o'clock \_\_\_\_ m. and was duly recorded in Olmsted County Records.

Olmsted County Director of  
 Property Records and Licensing  
 By: \_\_\_\_\_ Deputy

WEST CIRCLE DRIVE N.W.  
 C.S.A.H. NO. 22  
 OLSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 75  
 358'40"14" 259.20



## UTILITY EASEMENT DEFINED

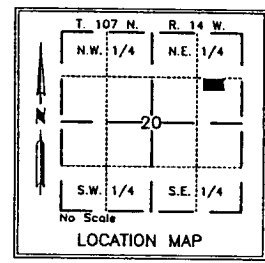
An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and wiring on said easement.

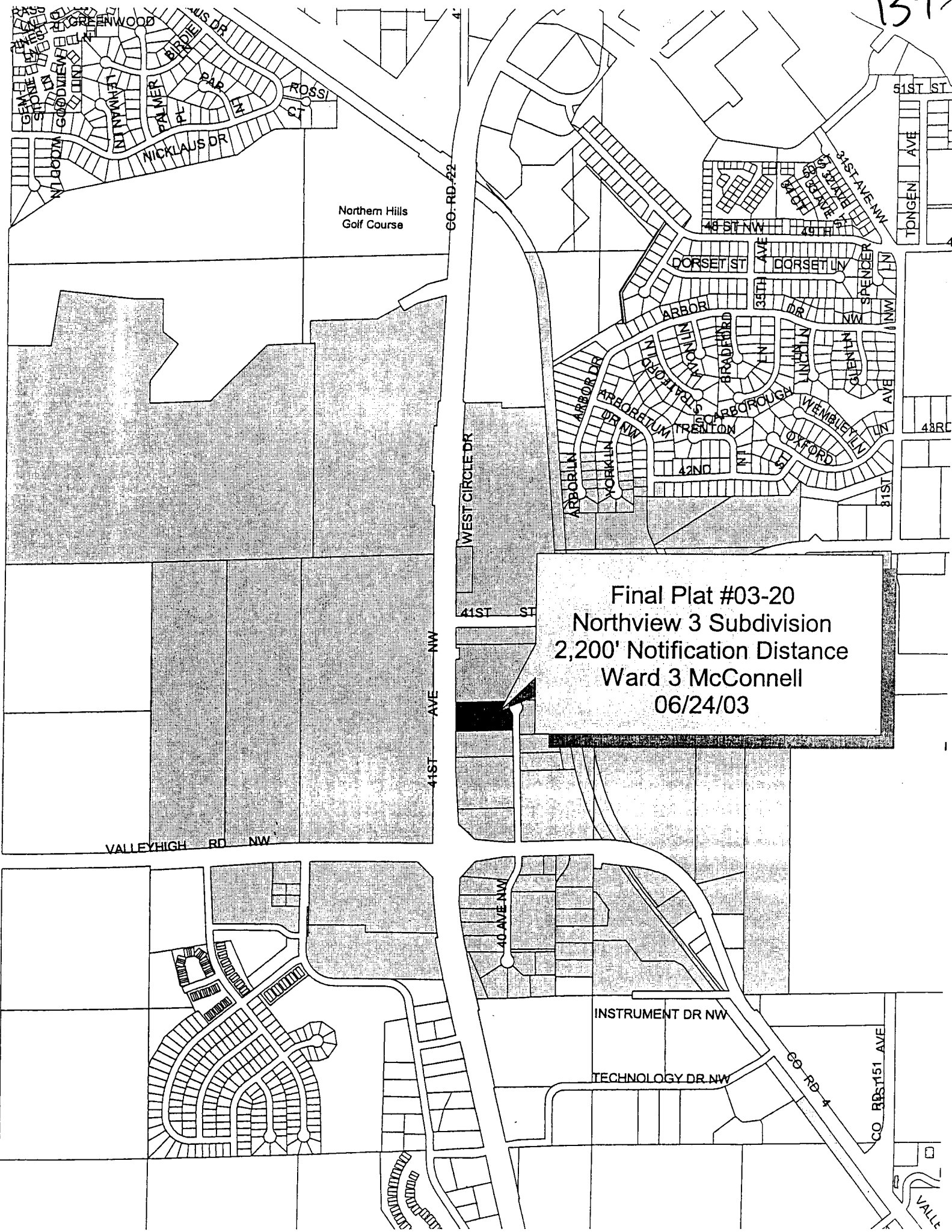
U.E. = UTILITY EASEMENT

## CONTROLLED ACCESS DEFINED

Ingress and egress to, from or across the abutting roadway is restricted by the road authority pursuant to Minnesota State Statute 160.06.

→ → → → → CONTROLLED ACCESS





Final Plat #03-20  
Northview 3 Subdivision  
2,200' Notification Distance  
Ward 3 McConnell  
06/24/03

140

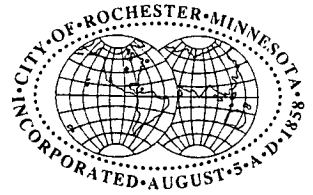
**ROCHESTER-OLMSTED PLANNING DEPARTMENT**

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF  
*Olmsted*

[www.olmstedcounty.com/planning](http://www.olmstedcounty.com/planning)



**TO: Rochester Common Council**

**FROM: Theresa Fogarty, Planner**

**DATE: July 1, 2003**

**RE: Final Plat #03-20 to be known as Northview Third Subdivision by HCS, LLC. The applicant is proposing to re-subdivide Lot 5, Block 1, Northview First Subdivision into 2 lots for development. The property is located along the east side of West Circle Drive, along the west side of 40<sup>th</sup> Avenue NW and north of Valleyhigh Road NW.**

**Planning Department Review:**

**Applicant/Owner:**

HCS, LLC  
400 South Broadway, Suite 100  
Rochester, MN 55904

**Surveyors/Engineers:**

Yaggy Colby Associates  
717 Third Avenue SE  
Rochester, MN 55904

**Referral Comments:**

Rochester Public Works Department  
Rochester Fire Department  
Rochester Public Utility Department – Water Division  
Rochester Public Utility Department – Operations  
Planning Department – GIS Division

**Report Attachments:**

1. Location Map
2. Copy of Final Plat
3. Referral Comments (5 letters)

**Development Review:**

**Location of Property:**

The property is located along the east side of West Circle Drive, along the west side of 40<sup>th</sup> Avenue NW and north of Valleyhigh Road NW.

**Zoning:**

The property is currently zoned M-1 (Mixed Commercial Industrial) district on the City of Rochester Zoning Map.

**Proposed Development:**

This development consists of re-subdividing Lot 5, Block 1, Northview First Subdivision into 2 lots for development.



141

**Roadways:**

There are no new roadways being dedicated with this Plat.

Since no access will be allowed from West Circle Drive NW to Lot 1, Block 1, evidence of an access easement across proposed Lot 2, Block 1, shall be provided prior to Final Plat approval.

**Pedestrian Facilities:**

As previously approved for Northview Subdivision, there are no pedestrian facilities required along the frontage of 40<sup>th</sup> Avenue NW, but construction of a 10' wide bituminous pedestrian path shall be required along the entire frontage abutting West Circle Drive NW, concurrent with the development of Lot 1, Block 1.

**Drainage:**

Grading and Drainage Plan approval shall be required for individual lot development and a Storm Water Management Fee is applicable to any areas of impervious surface that do not drain to the existing privately constructed detention facilities serving the Northview Subdivisions.

**Wetlands:**

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. Based on the Soil Survey, no hydric soils exist on the site.

**Public Utilities:**

Additional public utility easement will be required to provide Lot 1 with water service. The public utility easements shall be dedicated prior to the development of these lots once the alignment is known.

The owner/developer shall be responsible for the expense of any existing electric facilities that may need to be relocated as a result of this re-subdivision.

**Spillover Parking:**

Parking for the development of each lot will be determined at the time of Site Plan Development Review.

**Parkland Dedication:**

The property will not be used for residential development, therefore there are no parkland dedication requirements.

**Preliminary Plat:**

According to Section 61.221 of the Land Development Manual "A subdivision in which all proposed lots front on a platted or dedicated street right-of-way and no major changes to the right-of-way are proposed may be exempted from the requirements of this paragraph (Land Subdivision Permit).

**Planning Staff Review and Recommendation:**

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, Section 61.225 and would recommend approval subject to the following modifications / conditions:

- 1. Prior to recording, the final plat shall be revised, as follows:**
  - a. Provide an additional utility easement providing water service to Lot 1, as requested by Rochester Public Utility Water Division Memorandum dated June 18, 2003 and Operations Division Memorandum dated June 24, 2003.**
- 2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the June 25, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.**
- 3. Prior to recording the Final Plat, the owner/developer shall provide evidence of an access easement across proposed Lot 2, Block 1.**
- 4. Grading and Drainage Plan approval shall be required for individual lot development, and a Storm Water Management fee is applicable to any areas of impervious surface that do not drain to the existing privately constructed detention facilities serving the Northview Subdivision.**
- 5. The Owner/Developer shall construct a 10' wide bituminous pedestrian path along the entire frontage abutting West Circle Drive NW, concurrent with the development of Lot 1, Block 1.**
- 6. The owner/developer shall be responsible for the expense of any existing electric facilities that may need to be relocated as a result of this re-subdivision.**

**Reminder to Applicant:**

- Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision, including fire hydrants to be located within 400 feet of all portions of a building constructed on these lots.**

143

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 6/30/03

The Department of Public Works has reviewed the application for a Final Plat #03-20 for the proposed Northview Third Subdivision. The following are Public Works comments on this request:

1. Since no access will be allowed from West Circle Dr NW to Lot 1, Block 1, evidence of an access easement across proposed Lot 2, Block 1 should be provided prior to Final Plat approval.
2. If the extension of public watermain, and/or the addition of hydrant(s) is required for individual lot development, the execution of a City-Owner Contract will be required.
3. Grading & Drainage Plan approval will be required for individual lot development, and a Storm Water Manage fee is applicable to any areas of impervious surface that do not drain to the existing privately constructed detention facilities serving the Northview subdivisions.
4. As previously approved for Northview Subdivision, there are no pedestrian facilities required along the frontage of 40<sup>th</sup> Ave NW, but construction of a 10 foot wide bituminous pedestrian path will be required along the entire frontage abutting West Circle Dr NW, concurrent with development of Lot 1, Block 1.

Development Charges applicable to development of this Property include:

- ❖ NOTE: This Property has previously paid for J9393 for Sanitary Sewer & Watermain Extension to serve the Property
- ❖ J9349 Trunkline Sanitary Sewer @ \$828.50 per acre + 7.5% interest from 11/18/96 until paid (10 years max.)
- ❖ Water Availability Charge (WAC) @ \$1790.25 per acre
- ❖ Storm Water Management – for any areas that do not drain to the existing privately constructed detention facilities

144



*The hand to reach for...*  
**DAVID A. KAPLER**  
Fire Chief

DATE: June 25, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Final Plat #03-20 to be known as Northview Third Subdivision by HCS, LLC. The applicant is proposing to re-subdivide Lot 5, Block 1 Northview First Subdivision into 2 lots for development.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
    - A fire hydrant is required to be within 400 feet of all portions of a building constructed on these lots.
  2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
  3. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division  
HCS, LLC – 400 S Broadway, Suite 100 – Rochester, MN 55904  
Yaggy Colby Assoc – 717 3<sup>rd</sup> Ave SE – Rochester, MN 55904





145'

June 24, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: Final Plat #03-20 by HCS, LLC to be known as Northview Third Subdivision.

Dear Ms. Garness:

Our review of the referenced final plat is complete and our comments follow:

1. Additional public utility easements will be required to provide Lot 1 with water service.  
These must be dedicated prior to the development of these lots once the alignment is known.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention  
Yaggy Colby Associates  
HCS, LLC



*we pledge, we deliver*

DATE: June 30, 2003

TO: Jennifer Garness, Planning Dept.  
Rochester-Olmsted Planning Dept.

FROM: Michael J. Engle, Supv. of Distribution Design  
Rochester Public Utilities  
280-1579

SUBJECT: Final Plat #03-20 to be known as Northview Third Subdivision by HCS, LLC. The applicant is proposing to re-subdivide Lot 5, Block 1 Northview First Subdivision into 2 lots for development. The property is located along the east side of West Circle Drive, along the west side of 40<sup>th</sup> Avenue NW and north of Valleyhigh Road NW.

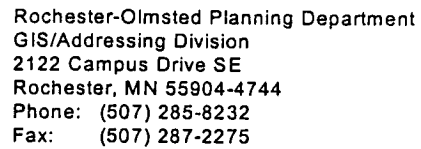
RPU's Operations Division review of the above-referenced final plat is complete and our comments follow:

1. Electric distribution facilities were installed to serve this property as it was originally platted, Northview Second Subdivision. If any of the existing electric facilities need to be relocated as a result of this re-subdivision, it will be at the owner/developer's expense.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael J. Engle', with a stylized flourish at the end.

la  
c. HCS, LLC  
Yaggy Colby Associates



147

1.28